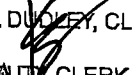


## UNITED STATES DISTRICT COURT

JAN 29 2019

JULIA C. DUDLEY, CLERK  
BY:   
VIRGINIA DEPUTY CLERK

WESTERN

DISTRICT OF

UNITED STATES OF AMERICA

V.

MARCO ANTONIO RODRIGUEZ-ESPARZA

508 Waterworks Rd.

Farmville, VA 23901

## CRIMINAL COMPLAINT

Case Number:

1:19mj15

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 03/05/2018 in Pocahontas, in the Western District of Virginia defendant,

(Track Statutory Language of Offense)

an alien, who was arrested and deported from the United States to Mexico on or about August 14, 1999, and who had not received the consent of the Attorney General of the United States or the Secretary of the U.S. Department of Homeland Security to re-apply for admission, was found in the United States in the Western District of Virginia,

in violation of Title 8 United States Code, Section(s) 1326(a).

I further state that I am a Deportation Officer and that this complaint is based on the following facts:

Official Title

SEE ATTACHMENT

Continued on the attached sheet and made a part of this complaint:

☒ Yes☐ No

Signature of Complainant

Nathan Switzer, Deportation Officer

Printed Name of Complainant

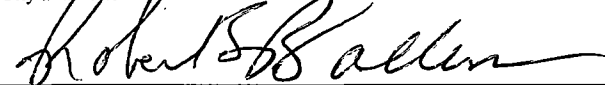
Sworn to before me and signed in my presence,

January 29, 2019

at

Roanoke, Virginia

City and State



Signature of Judicial Officer

Hon. Robert Ballou, United States Magistrate Judge

Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA

v.

MARCO ANTONIO RODRIGUEZ-ESPARZA

Criminal No. 1:19mj15

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Nathan Switzer, having been duly sworn, state the following:

INTRODUCTION

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) division. I am a graduate of the Federal Law Enforcement Training Center ("FLETC") and I have received specialized training in establishing alienage and removability of foreign-born citizens. I also have extensive knowledge of, and experience reviewing, Alien files ("A-files") which also facilitates my determination of whether a person is present in the United States unlawfully. An A-file is a collection of documents pertaining to a known alien maintained by Citizenship and Immigration Services, which contains, among other information, records from any prior removal from the United States and the reason for such removal. The documents, including fingerprint records of the alien, are placed in the A-file by representatives of the Department of Homeland Security as well as other agencies. Through my training and experience, my duties include identifying aliens present in the United States both lawfully and unlawfully.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant charging the above named defendant with violating 8 U.S.C § 1326(a) in that, on or about March 05, 2018, the above named defendant was found in the United States, specifically in Pocahontas, Virginia, which is located in

*Handwritten signature and date:*  
1/29/2019

the Western District of Virginia, without having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission to the United States, after having been denied admission, excluded, deported, or removed from the United States.

3. This affidavit is based on information obtained by me, information conveyed to me by other law enforcement officers, and a review of evidence, records, and documents obtained during the course of the investigation. This affidavit contains the information necessary to establish probable cause but does not include each and every fact known to me or known to the government.

4. On March 05, 2018, officers authorized to enforce Title 8 of the United States Code, fingerprinted the defendant.

5. ICE ERO officers later submitted the defendant's fingerprints to ICE databases, which confirmed a match to MARCO ANTONIO RODRIGUEZ-ESPARZA, a native and citizen of Mexico, and not a citizen of the United States, who (according to ICE databases) has been deported from the United States on or about: August 14, 1999.

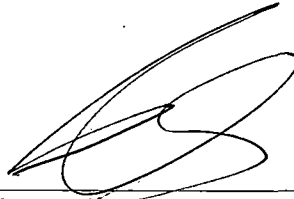
6. ICE conducted a diligent search of relevant Department of Homeland Security databases, at the conclusion of which, no record was found indicating that the defendant had obtained consent from the Attorney General of the United States, from the Secretary of the Department of Homeland Security, for permission to reapply for admission into the United States after he was removed on August 14, 1999.

### CONCLUSION

Based upon the foregoing, I submit there is probable cause to conclude that on or about **March 05, 2018**, the above named defendant, an alien, was found in the United States, at a location within the Western District of Virginia, after having been denied admission, excluded, deported, or removed from the United States and having not obtained the express consent of the Attorney General of the United

*RLB*  
*1/29/2019*

States or the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of 8 U.S.C. § 1326(a).

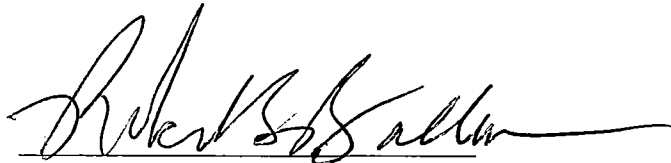


Nathan Switzer  
Deportation Officer  
Immigration and Customs Enforcement

Received by reliable electronic means

and sworn and attested to in person on

this 29<sup>th</sup> day of January, 2019



The Honorable Robert Ballou  
United States Magistrate Judge